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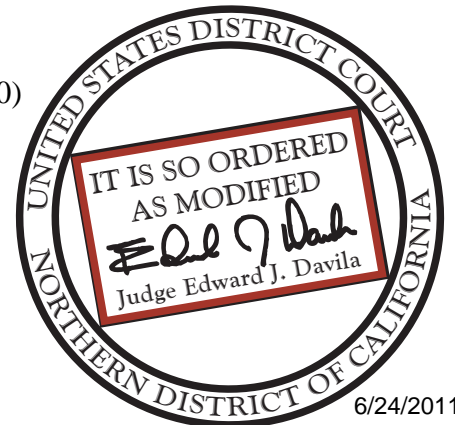
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

NATHAN NABORS, Individually and on)
behalf of all others similarly situated,)

Plaintiff,)

v.)

GOOGLE, INC., a Delaware corporation;)

Defendants)

5:10-cv-03897-EJD (Hon. Edward J. Davila)

**PLAINTIFF'S UNOPPOSED
REQUEST AND [PROPOSED]
ORDER CONTINUING THE
HEARING DATE OF DEFENDANT'S
MOTION TO DISMISS [N.D. CAL.
L.R. 7-7(b)]**

Current Hearing Date: July 1, 2011
Proposed Hearing Date: July 22, 2011

Pursuant to Civil Local Rule 7-7(b), Plaintiff files this unopposed request for a continuance of the hearing date on Defendant Google Inc.'s ("Google") Motion to Dismiss Plaintiff's First Amended Complaint ("Motion").

WHEREAS, the hearing on the Motion is currently set for July 1, 2011;

**PLAINTIFF'S UNOPPOSED REQUEST AND [PROPOSED] ORDER CONTINUING THE HEARING
DATE OF DEFENDANT'S MOTION TO DISMISS [N.D. CAL. L.R. 7-7(b)]**

5:10-CV-03897-EJD

1 WHEREAS, an opposition and reply to the Motion have been filed;

2 WHEREAS, the parties affected by the Motion have previously stipulated once to continue
3 the hearing date (*see* Docket No. 35);

4 WHEREAS, Plaintiff requests a continuance of the hearing date because, unless the
5 hearing is rescheduled, Plaintiff's counsel must travel by airplane to San Jose from Boston and
6 Los Angeles during the busy Independence Day weekend to attend the hearing scheduled for the
7 Friday, July 1, 2011 hearing;

8 WHEREAS, Plaintiff's counsel is unavailable July 8, 2011;

9 WHEREAS, counsel for HTC Corporation, Google's co-defendant in the related
10 *McKinney v. Google Inc.*, case no. 10-cv-1177, where a motion to dismiss is also fully briefed and
11 schedule to be heard on July 1, 2011) is unavailable July 15, 2011;

12 WHEREAS, to accommodate Plaintiff's request but still allowing the motions in *Nabors*
13 and *McKinney* to be heard on the same date, Google does not oppose continuing the July 1, 2011
14 hearing date to July 22, 2011, or any date thereafter that is convenience for the Court;

15 WHEREAS, this extension will alter a time frame set by the local rules of this Court and
16 therefore requires a Court order for such an extension;

17 Plaintiff, through her counsel of record, and subject to this Court's approval, requests that
18 the July 1, 2011 hearing on Defendant's Motion to Dismiss be continued to July 22 at 9:00 am, or
19 any date thereafter that is convenient to the Court.
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1 DATED: June 23, 2011

MILSTEIN ADELMAN, LLP

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3 By: /s/ Sara Avila
SARA AVILA

4 Attorneys for Plaintiff
5 NATHAN NABORS

6 DATED: June 23, 2011

WHATLEY DRAKE & KALLAS, LLC

7
8 By: /s/ Patrick Sheehan
9 PATRICK SHEEHAN

10 Attorneys for Plaintiff
11 NATHAN NABORS
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NATHAN NABORS, Individually and on) 5:10-cv-03897-EJD (Hon. Edward J. Davila)
behalf of all others similarly situated,)
)
Plaintiff,) ~~FILED~~ **ORDER CONTINUING**
) **THE HEARING DATE OF**
) **DEFENDANT'S MOTION TO**
) **DISMISS [N.D. CAL. L.R. 7-7(b)]**
v.)
)
GOOGLE, INC., a Delaware corporation;) Current Hearing Date: July 1, 2011
) Proposed Hearing Date: July 22, 2011
)
)
Defendants)
)

PURSUANT TO PLAINTIFF'S UNOPPOSED REQUEST, the hearing on Defendant's Motion to Dismiss Plaintiff's First Amended Complaint is continued to August 19, 2011 at 9:00 AM.

Date: June 24, 2011

Ed Davila
HON. EDWARD J. DAVILA, U.S. DISTRICT COURT

CERTIFICATION

I, Sara D. Avila, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER.

DATED: June 23, 2011

Attorney for Plaintiff Nathan Nabors and the
Proposed Class

By: /s/ Sara D. Avila
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Gillian L. Wade
Sara D. Avila

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